

Title	Family Law: <i>Proof of Service of Summons</i> ; <i>Application and Order for Reissuance of Order to Show Cause</i> (revise form FL-115 and adopt form JV-251/FL-306)
Summary	<p>The revised <i>Proof of Service of Summons</i> would be used in Family Law, Uniform Parentage Act, and Custody and Support cases. It has been modified to reflect changes in filing procedures and in required forms to be served.</p> <p>The new <i>Application and Order for Reissuance of Order to Show Cause</i> would provide a form for non-domestic violence cases.</p>
Source	Family and Juvenile Law Advisory Committee
Staff	Bonnie Hough, 415-865-7668
Discussion	<p>Revised form FL-115, <i>Proof of Service of Summons</i>, would allow for its use in Family Law, Uniform Parentage Act, and Custody and Support cases. It is designed to be filed separately in light of the new procedures in rule 1216 of the California Rules of Court for filing a summons in a family law matter. Under revised rule 1216, the clerk maintains the original summons in the file when the petition and summons are filed. The revised form reflects changes such as the deletion of the requirement for filing a confidential counseling statement and the requirement that a <i>Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act</i> be served in all cases regarding minor children. Copies of both the proposed revised form and the current form are attached for purposes of comparison.</p> <p>A new <i>Application and Order for Reissuance of Order to Show Cause</i> would be adopted for non-domestic violence cases because the current application is being significantly revised so that it can only be used in domestic violence cases. This form allows litigants who have not been able to serve the opposing party or comply with requirements such as mandatory mediation before the hearing to have the hearing continued without making a court appearance or refiling all papers for the <i>Order to Show Cause</i>. This form will be double-numbered as JV-251/FL-306 so it can be used to obtain reissuance of a domestic violence restraining order in juvenile court.</p>
	Attachments

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):   TELEPHONE NO. (Optional): FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	<b>DRAFT-7</b>
PETITIONER:  RESPONDENT:	
<b>PROOF OF SERVICE OF SUMMONS</b>	CASE NUMBER:

1. At the time of service I was at least 18 years of age and not a party to this action. I served the respondent with copies of:
- a. ☐ Family Law: *Summons with Standard Restraining Orders* (form FL-110), *Petition* (form FL-100), and blank *Response* (form FL-120)
- or-
- b. ☐ Uniform Parentage: *Summons with Standard Restraining Orders* (form FL-210), *Petition to Establish Parental Relationship* (form FL-200), and blank *Response to Petition to Establish Parental Relationship* (form FL-220)
- or-
- c. ☐ Custody and Support: *Summons with Standard Restraining Orders* (form FL-210), *Petition for Custody and Support of Minor Children* (form FL-260), and blank *Response to Petition for Custody and Support of Minor Children* (form FL-270)
- and
- d. ☐ (1) ☐ completed and blank *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act* (form FL-105) (6) ☐ *Order to Show Cause* (form FL-300), *Application for Order and Supporting Declaration* (form FL-320), and blank *Responsive Declaration* (form FL-394)
- (2) ☐ completed and blank *Declaration and Disclosure* (form FL-140) (7) ☐ Other (specify):
- (3) ☐ completed and blank *Schedule of Assets and Debts* (form FL-142)
- (4) ☐ completed and blank *Income and Expense Declarations* (form FL-150)
- (5) ☐ completed and blank *Property Declarations* (form FL-160)
2. Address where respondent was served:
3. I served the respondent (check proper box):
- a. ☐ **Personal service** by personally delivering the copies on the respondent (CCP, § 41510)  
 (1) on (date): (2) at (time):
- b. ☐ **Substituted service** by leaving the copies with or in the presence of (name and title or relationship to respondent):
- (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the respondent. I informed him or her of the general nature of the papers.
- (2) ☐ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the respondent. I informed him or her of the general nature of the papers.
- (3) on (date): at (time):
- (4) I thereafter mailed (by first-class, postage prepaid) copies to the respondent at the place where the copies were left. (CCP 415.20b)
- (5) A **declaration of diligence** is attached stating actions taken to first attempt personal service.

PETITIONER:	CASE NUMBER:
RESPONDENT:	

-or-

3. c. ☐ **Mail and acknowledgement service** by mailing the copies to the respondent, addressed as shown in item 2, by first-class mail, postage prepaid,
- (1) on (date): \_\_\_\_\_ (2) from (city): \_\_\_\_\_
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid return envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a)(4).) (CCP, § 415.30)
- (4) ☐ to an address outside California (by registered or certified mail with return receipt requested) (Attach signed return receipt or other evidence of actual delivery to the respondent.) (CCP, § 415.40)
- d. ☐ **other** (specify code section): \_\_\_\_\_
- ☐ Additional page is attached.
4. The NOTICE TO THE PERSON SERVED on the summons was completed as follows (CCP, §§ 412.30, 415.10, and 474):
- a. ☐ as an individual
- b. ☐ on behalf of respondent under:
- ☐ Code of Civil Procedure section 416.90 (Individual)  
☐ Code of Civil Procedure section 416.60 (Minor)

☐ Code of Civil Procedure section 416.70 (Ward or Conservatee)  
☐ Other (specify): \_\_\_\_\_
5. **Person who served papers**
- Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Telephone number: \_\_\_\_\_
- I am:
- a. ☐ Exempt from registration under Business and Professions Code section 22350(b).
- b. ☐ Not a registered California process server.
- c. ☐ Registered California process server.
- (1) ☐ Employee or independent contractor.
- (2) Registration no.: \_\_\_\_\_
- (3) County: \_\_\_\_\_
- d. **The fee** for service was: \$ \_\_\_\_\_

6. ☐ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

7. ☐ **I am a California sheriff, marshal, or constable and** I certify that the foregoing is true and correct.

Date: \_\_\_\_\_

(NAME OF PERSON WHO SERVED PAPERS)	(SIGNATURE OF PERSON WHO SERVED PAPERS)
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- Date:

(SIGNATURE)

3. IT IS ORDERED that the Order to Show Cause issued as shown in item 1 above is reissued and reset for hearing in this court as follows:

Date: \_\_\_\_\_ time: \_\_\_\_\_ dept.: \_\_\_\_\_ rm.: \_\_\_\_\_  
 at the street address of the court shown above.

- a. A copy of this order must be attached to documents that must be served on the respondent, as directed in the Order to Show Cause.
- b. All other orders contained in the Order to Show Cause and Temporary Restraining Order remain in full force and effect unless modified by this order. **THE ORDER TO SHOW CAUSE AND THIS ORDER EXPIRE ON THE DATE AND TIME OF THE HEARING SHOWN IN THE BOX ABOVE UNLESS EXTENDED BY THE COURT.**
- c. ☐ Other:

Date:

JUDGE OF THE SUPERIOR COURT